



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,761	12/05/2003	Charles A. Hamilton	END920030144US1	3210
7590	01/27/2006		EXAMINER	
John R. Pivnichny IBM Corporation / IP Law Dept. IQ0A Bldg. 040-3 1701 North Street Endicott, NY 13760			WILLIAMS JR, RONALD E	
			ART UNIT	PAPER NUMBER
			2121	
			DATE MAILED: 01/27/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/729,761	HAMILTON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ronald E. Williams	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 05 December 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 05 December 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

1. This Office Action is responsive to application filed on December 5, 2003.
2. Claims 1-18 have been examined.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sketch (USPN: 2002/0077884).

### **Regarding Claim 1:**

A process for defining a learning solution, comprising the steps of: providing a learning solution context (see Abstract, lines 3-8. “providing a variety of learning solutions for eliminating gaps between the assessed level of functional competency and a level of functional competency required for the employment function.”); and aligning a plurality of solution components to said solution context. (see Figures 1-5. Figures 1-5 show the technology, processes, and methods which are disclosed as the solution components in applicant’s specification.)

**Regarding Claim 2:**

The process of claim 1, wherein said learning solution context is provided as a circular diagram having zones and an inner circular area defining a ratio of formal to informal learning. (see pg 3, para 0032-0048. In these paragraphs Sketch discloses a plurality of learning solutions which are either informal or formal learning.)

**Regarding Claim 3:**

The process of claim 2, wherein said zones represent types of interaction. (see pg 3, para 0032-0048. In these paragraphs Sketch discloses many different types learning solution or types of training which include various methods of interaction.)

**Regarding Claim 4:**

The process of claim 1, wherein said solution components comprise purpose/outcomes, measurement, technology/infrastructure, resources, and process. (see Figures 1-5. Figures 1-5 show the technology, processes, and methods which are disclosed as the solution components in applicant's specification.)

**Regarding Claim 5:**

The process of claim 4, wherein said purpose is a business purpose comprising increasing sales, decreasing errors, or implementing new business processes.

**(see Figure 3. “Sketch discloses being able to think cross-functionally about ideas that impact the business and to boldly pursue ways to improve business processes and incorporate new ideas.”)**

**Regarding Claim 6:**

The process of claim 4, wherein said outcomes comprises employee compliance with regulations, certification in a profession, or performing new procedures. **(see pg 1, para 0009. “eliminating gaps between the employee’s current level of functional competency and the level of functional competency required for the employee’s employment function.” & see pg 2, para 0012)**

**Regarding Claim 7:**

The process of claim 4, wherein said measurement includes calculating a return on investment for learner performance. **(see Figure 5, pg 1, para 0010, lines 1-3 and pg 4, para 0052-0053)**

**Regarding Claim 8:**

The process of claim 4, wherein said technology/infrastructure includes network, hardware, and software, for access and delivery of learning experiences. **(see Figure 4 and pg 4, para 0057-0063)**

**Regarding Claim 9:**

The process of claim 4, wherein said resources comprises processes for

adapting source material from content and curriculum publishers, scheduling space and equipment, assigning trainers, locating mentors, or licensing software.

**(see pg 4, para 0056, lines 1-9. “identifying the needs for new learning solutions and linking training resources, products, services, and consulting expertise to the needs of employees and third party learning solution customers.”)**

**Regarding Claim 10:**

The process of claim 4, wherein said process comprises new governance committees, incentives to encourage new behaviors, or responsibilities for updates. **(see pg 5, para 0064, lines 25-38 and para 0065)**

**Regarding Claim 11:**

A system for defining a learning solution, comprising: a computer processor; **(see Figure 4)** program means on said processor for providing a learning solution context; **(see Abstract, lines 3-8. “providing a variety of learning solutions for eliminating gaps between the assessed level of functional competency and a level of functional competency required for the employment function.”)** and program means on said processor for aligning a plurality of solution components to said solution context. **(see Figures 1-5. Figures 1-5 show the technology, processes, and methods which are disclosed as the solution components in applicant’s specification.)**

**Regarding Claim 12:**

The system of claim 11, wherein said learning solution context is provided as a circular diagram having zones and an inner circular area defining a ratio of formal to informal learning. (see pg 3, para 0032-0048. In these paragraphs Sketch discloses a plurality of learning solutions which are either informal or formal learning.)

**Regarding Claim 13:**

The system of claim 12, wherein said zones represent types of interaction. (see pg 3, para 0032-0048. In these paragraphs Sketch discloses many different types learning solution or types of training which include various methods of interaction.)

**Regarding Claim 14:**

The system of claim 11, wherein said solution components comprise purpose/outcomes, measurement, technology/infrastructure, resources, and process. (see Figures 1-5. Figures 1-5 show the technology, processes, and methods which are disclosed as the solution components in applicant's specification.)

**Regarding Claim 15:**

A computer program product for instructing a processor to define a learning solution, said computer program product comprising: a computer readable

medium; (see Figure 4) first program instruction means for providing a learning solution context; (see Abstract, lines 3-8. “providing a variety of learning solutions for eliminating gaps between the assessed level of functional competency and a level of functional competency required for the employment function.”) and second program instruction means for aligning a plurality of solution components to said solution context; (see Figures 1-5. Figures 1-5 show the technology, processes, and methods which are disclosed as the solution components in applicant’s specification.) and wherein both said program instruction means are recorded on said medium.

**Regarding Claim 16:**

The computer program product of claim 15, wherein said learning solution context is provided as a circular diagram having zones and an inner circular area defining a ratio of formal to informal learning. (see pg 3, para 0032-0048. In these paragraphs Sketch discloses a plurality of learning solutions which are either informal or formal learning.)

**Regarding Claim 17:**

The computer program product of claim 16, wherein said zones represent types of interaction. (see pg 3, para 0032-0048. In these paragraphs Sketch discloses many different types learning solution or types of training which include various methods of interaction.)

**Regarding Claim 18:**

The computer program product of claim 15, wherein said solution components comprise purpose/outcomes, measurements, technology/infrastructure, resources, and process. **(see Figures 1-5. Figures 1-5 show the technology, processes, and methods which are disclosed as the solution components in applicant's specification.)**

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald E. Williams whose telephone number is 571 272 2590. The examiner can normally be reached on MWF 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571 272 3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony Knight  
Supervising Patent Examiner  
Tech Center 2100

RW